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*Attorneys for Interested Party,
Nevada Department of Corrections*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARC A. EARLEY,

Plaintiff,

v.

DOCTOR MENTAL HEALTH, *et al.*,

Defendant.

Case No. 2:24-cv-00403-APG-MDC

**RESPONSE TO ORDER TO SHOW
CAUSE (ECF No. 19)**

Interested Party, the Nevada Department of Corrections (NDOC) by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Jeffrey D. Whipple, Deputy Attorney General, hereby responds to this Court's Order to Show Cause issued on January 15, 2025.¹

This matter was settled as part of a global settlement involving a total of seven (7) cases brought by Mr. Earley, with the settlement occurring at an Early Mediation Conference held on November 1, 2024.² The settlement agreement called for Mr. Earley to receive: (1) \$600 deposited into his prison trust account, (2) property from the Northern Nevada Correctional Center (NNCC) Property Room, specifically one AM/FM radio and
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¹ ECF No. 19.

² ECF No. 14.

1 headphones in used, as-is condition, (3) an expedited hearing before the full classification
2 committee, and (4) an expedited appointment to see an NDOC medical provider.

3 Earley received the \$600 deposited into his prison trust account on or about
4 November 27, 2024. Earley received the item of property on or about December 16, 2024.
5 Earley was seen by the full classification committee on January 23, 2025. Earley was seen
6 for a medical appointment on or about November 19, 2024. To the best of the undersigned's
7 knowledge, the terms of the settlement have now been fully complied with.

8 There was a delay in fulfilling some of the conditions of this settlement agreement
9 based on an oversight by the undersigned. The settlement agreement was not provided to
10 all necessary parties within NDOC in a timely manner because of the unintentional
11 omission of one of the parties to whom the agreement needed to be sent.

12 The undersigned attempted to contact Mr. Earley via telephone on January 24, 2025,
13 both to personally apologize for the error and to ensure that, from Mr. Earley's perspective,
14 NDOC had fully complied with the terms of the settlement agreement. The undersigned
15 was informed by NNCC staff that Mr. Earley refused to be transported from his cell in
16 order to take the call.

17 The undersigned apologizes to the Court, its staff, and Mr. Earley for the error, for
18 which he takes full and sole responsibility.

19 DATED this 28th day of January, 2025.

20 AARON D. FORD
21 Attorney General

22 By: /s/ Jeffrey D. Whipple
23 JEFFEREY D. WHIPPLE, Bar No. 16346
24 Deputy Attorney General

25 *Attorneys for Interested Party,*
26 *Nevada Department of Corrections*
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada and that on January 28, 2025, I electronically filed the foregoing, **RESPONSE TO ORDER TO SHOW CAUSE**, via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, addressed to the following:

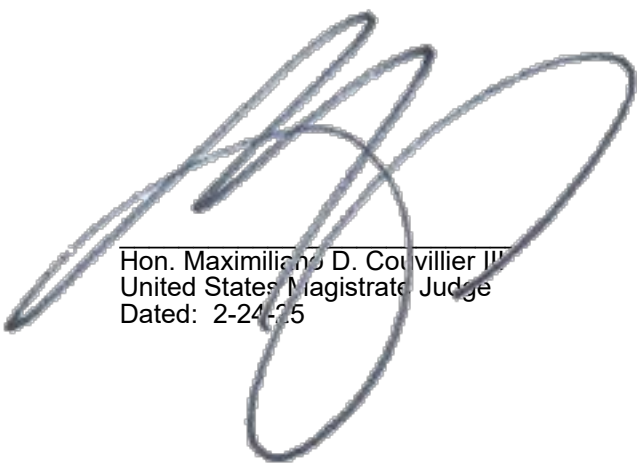
Marc Earley, #1190247
Care of NNCC Law Librarian
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702
lawlibrary@doc.nv.gov

/s/ Karen Easton
An employee of the
Office of the Attorney General

IT IS SO ORDERED. Defendants have shown cause and the Court will not impose sanctions.

IT IS FURTHER ORDERED that plaintiff is required to be cooperative and respond to communications from defense counsel.

Failure to do so will result in adverse consequences.



Hon. Maximilian D. Covillier III
United States Magistrate Judge
Dated: 2-24-25